

Federal Program's Office

August 23, 2001

CC Dockets Nos. 96-45 &
97-21

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 12th Street, S. W.
Room TW-A325
Washington, DC 20554

RECEIVED

SEP 27 2001

FCC MAIL ROOM

To Whom It May Concern:

This Letter of Appeal is being written in behalf of Cedar Unified School District #25 located on the Navajo and Hopi Indian Reservations in northeastern Arizona.

The original Appeal letter was concerning the SLD pink post-card received on July 19, 2001. It was stamped on July 11, 2001, in Lawrence, Kansas. It states that the district's Form 471 for funding for **Year 4 for the 07/01/2001 to 06/30/2002** time period was not filed during the open window period. I was quite surprised because everything had been done in time before the January 18th window closing. I called the SLD assistance number and after researching it, I was told that the on-line application had been received on time, but the Form 471 Certification Form and had not been received in time. It arrived on January 23rd and the postmark was unreadable on the records. I was then given the information on the appeal process from the hot line. I was told I could not appeal directly to the Federal Communication Commission (FCC) that the first step was to appeal to the SLD. I did that on the same I received the card. On August 20th, I received a reply from the SLD that said I had to appeal to the FCC because the SLD could not make that decision. This letter (attached) concerned me, because I feel that valuable time was lost on this appeal. I talked to the SLD hot line and also read the information on the web page which said to appeal to the SLD first. I hope this appeal will be considered.

Now I am writing to the Federal Communication Commission (FCC) to appeal the card that was received saying that the application for Cedar Unified School District was not on time.

. Our District application information is given below.

Applicant Name:	Cedar Unified School District #25
471 Application No:	256161
Billed Entity Number:	1431615
Contact Name:	Dr. Sandra K. Johnson
Contact Phone No.:	(928) 738-2336 x109
Contact E-mail Address:	<u>sjohnson@cusd25.k12.az.us</u>

No. of Copies rec'd 9
List A B C D E

In researching our office records I show that the forms were printed and signed on the morning of January 18, 2001 (copy attached) and put in the district mail system. In checking the date on the letter certification form, however, the receipt shows the date of January 19, 2001 (copy attached). The only conclusion is that there was an administrative/clerical error in our internal mailing system. The 471 Forms

Cedar Unified School District #25

Post Office Box 367 • Keams Canyon, Arizona 86034 • (602) 738-2336

were also sent certified mail instead of overnight as requested, therefore resulting in the late arrival at the SLD site.

I am asking for the Federal Communication Commission (FCC) to allow the district's application to be considered "within the window" and be considered during the next wave of funding for the following reasons. The information was completed on time. The one-day delay in the postmark may have been an administrative error or a result of the lack of infrastructure for mailing and shipping in this isolated area. There is one pick-up and delivery of USPS mail six days a week at 12:00pm noon each day. All Express US Mail has a minimum of two days for delivery and it often takes longer. Express delivery pick-ups, such as UPS and FedEx, have to be scheduled to come for pick-ups from sixty to one hundred twenty miles away, are quite expensive and not always reliable. Every attempt is made to anticipate the mailing problem and to avoid what happened with the 471 Certification Form. In spite of that, there appears to have been a one-day delay in the mailing. Please keep this lack of infrastructure in mind when considering this appeal.

Another important factor to consider is that Cedar Unified School District is in the 90% Discount Category indicating the high level of poverty and need of the students and families within the district boundaries. The school district is located in a rural isolated area of northeastern Arizona, and covers a large land base on both the Hopi and Navajo Indian Reservations (district map attached). Due to the remoteness of the area and the historically under-served situation of Native American communities, the area within the district has very limited infrastructure for telephones and Internet access.

The majority of the students in Cedar School District live in areas that have no running water or electricity. Therefore, the telecommunications provided at the school, especially the Internet which was funded under Year 3 E-Rate Funding is an important link to outside resources and information that are not available to most of the students in the district. It also has been an invaluable resource for the teachers to broaden the school curriculum and provide world wide up to date resources not available at the school. With the past year E-Rate funding for Year 3, we have been able to develop an exciting technology program for the students. The Technology Committee has worked very hard to insure the E-Rate planning, bidding and applications were done in order to secure funding for Year 4, so that the programs can continue and be strengthened while more resources are sought to build sustainability into the district's technology plans for the future. It would be a shame to not be able to continue the program due to the one-day post mark delay.

Due to the lack of availability of phone landlines, the E-Rate funding allows us to use state of the art Satellite connections with enough bandwidth to provide adequate Internet access for the school and administrative activities that take place each day. The school only has available six rotating phone lines and the 3Com digital internal phone system funded through E-Rate allows for the computerized phone system to adequately serve the entire school. Very few people in the community have phones and there is only one pay phone in the entire community for all of the people and it is often out of service. The next closest pay phone is eight miles away. The phone service provided is also valuable to the district.

Please consider the high level of need in the Cedar School District and the wonderful services that the district has been able to provide to students, staff, parents and community members through the E-Rate funding this past year. I apologize for the mailing delay. But I appeal to you to not allow the one-day delay to keep the district from being considered for funding due to our documented need, high level of poverty and lack of infrastructure. Please let us compete for the funding.

I do want to add a personal note knowing that is may or may not be relevant to the appeal. The Technology Committee for the district worked hard to get all information, bids and decisions made for the district throughout the fall and winter. On January 16, 2001, there was an ice storm and while walking into school from the parking lot to my office, I slipped on new snow with ice underneath. My left ankle was broken and dislocated in the fall. In this rural area, medical care is some distance away. Due to tee continuing winter storm, I was unable to go to my regular doctor, who is a two-hour round trip away. I did go to another medical clinic, which is a one-hour round trip drive. There were no X-ray technicians on duty at the Emergency Room, so I had to have the ankle wrapped and then was sent home to come back the next day for X-rays. I also fell again on the same ankle due to new snow at the exit to the emergency room.


I spent as much time as I could on the E-Rate application and would not go to the orthopedic surgeon until Friday to insure that all forms got completed for the E-Rate application. I did complete all forms, had surgery and was out of the office for three weeks and then returned to work to follow up on the Item 21 Attachments, as I have done for the past three years of E-Rate applications.

On July 30th after the first Appeal letter had been sent, a second card was received, saying the Block 6 and Item 21 attachments had not been received on time. I was not aware that any changes had been made in the Item 21 attachment deadlines. I also was unable to complete Item 21 until I returned from having the surgery. I know personal issues are not an excuse. . However, in our small district, the role of Federal Programs Director often involves a multitude of responsibilities and timelines, and I have not yet been able to train others to complete all the details in the E-Rate process. I am asking that you take my unusual situation, which is a hardship situation, under consideration, before denying the Cedar District a chance to compete for the much-needed funds.

I am quite concerned that timelines were not met and I apologize. I wish to appeal to have our application considered due to the extreme need in our district, lack of mailing services and infrastructure, an extreme hardship situation, and on the basis that everything humanly possible was done to get the application in on time.

Thank you for considering this appeal. Please call if you have any questions. I will be glad to provide any additional information that is needed.

Sincerely,


Sandra K. Johnson, Director of Federal Programs

Attachments:

SLD Letter
Block 6 Certification Information
School District Map

RECEIVED AUG 2 0 2001

SCHOOLS AND LIBRARIES DIVISION

Administrator's Decision on Waiver Request

August 3, 2001

Dr. Sandra K. Johnson
Cedar Unified School District #25
P.O. Box 367
Keams Canyon, Arizona 86034

Re: Your Request for Waiver of Application Window For Program Year 4 2001-2002

Application Number: 256161

Date Request Received: July 24, 2001

The Schools and Libraries Division received your request, cited above, for a waiver of the application window deadline for the Schools and Libraries Universal Service Support Mechanism (E-Rate).

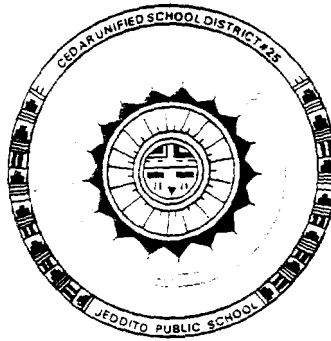
The Federal Communications Commission (FCC) rules do not permit the Schools and Libraries Division (SLD) to consider your request. Therefore, your request for a waiver of the application window deadline may not be considered by SLD. If you wish to appeal this decision, you may submit an appeal to the FCC at the following address:

**Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554**

You must file an appeal with the FCC no later than 30 days from the date of this letter, in order for your appeal to be considered by the FCC.

Schools and Libraries Division
Universal Service Administrative Company

RECEIVED
8/30/01



Federal Program's Office

January 18, 2001

Schools and Libraries Universal Service Program
SLD-Form 470
c/o Ms. Smith
3833 Greenway Drive
Lawrence, KS 66046

Dear Ms. Smith,

Enclosed please find the **Block 6 Certification Page for the Form 471 for the E-Rate Application for Cedar Unified School District #25**. The Form 471 for our district was submitted on-line today. The Block 5 Service Attachments are being submitted under separate cover. Please call 520-738-0024 ext. 109 if there are any questions.

Sincerely,

Sandra K. Johnson, Director of Federal Programs

FILE

FCC Form 471

Services Ordered and Certification Form

SLD

Applicant's Form Identifier: 090225CUSD25

Entity Number: 143165

Contact Person: Dr. Sandra K. Johnson

Phone Number: (520) 738-2336 Ext. 109

Form 471 Certification and Signature

Do not write in this area

471 Application Number: 256161

23. The entities listed in Block 2 of this application are eligible for support because they are (check one or both):

☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965 (20 U.S.C. Secs. 8801-8802) and (2) that do not operate as for-profit businesses and do not have endowments exceeding \$50 million and/or

☐ libraries or library consortia eligible for assistance from a state library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to, elementary and secondary schools, colleges and universities)

25. The eligible schools and libraries listed in Block 4 of this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the service purchased, as well as input the discounted charges for eligible services.

26. All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:

☒ an individual technology plan for using the service requested in this application and/or

☐ higher-level technology plans for using the services requested in this application, or

☐ no technology plan needed, applying for basic local distance telephone service only.

27. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

☒ technology plan(s) has/have been approved and/or

☒ technology plan(s) will be approved by a state or other authorized body, or

☐ no technology plan needed, applying for basic local and long distance telephone service only.

28. I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.

29. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

30. I certify that the entities I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.

31. I understand that the discount I used for shared service is conditional for future years upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service receive an appropriate share of benefits from those services.

32. I recognize that I may be audited pursuant to this application. I will retain for five years any and all work sheets and other records that I rely upon to fill out this application, and if audited will make available to the Administrator such records.

33. I certify that I am authorized to submit this request on behalf of the above named institution, that I have examined the request and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34. Signature of authorized person: *Dr. Sandra K. Johnson*

35. Date: 1/2/01

36. Printed name of authorized person: Dr. Sandra K. Johnson

37. Title or position of authorized person: Superintendent

38. Telephone number of authorized person: (520) 738-2366

471 Application Number: 256161
CEDAR UNIF. SCHOOL DISTRICT 25
MILE POST 408 HWY 267
KEAMS CANYON, AZ 86034-0367

with disabilities.

NOTICE TO INDIVIDUALS: Section 54.504 of the Federal Communications Commission rules require all schools and libraries planning to order services eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Commission's Public Administration Center (PAC) at 475 North Dearborn Street, Suite 100, Chicago, IL 60610. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirements contained in Section 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a local union.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information requested on this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation of potential violation of a statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or another adjudicative body when (a) the FCC or (b) any employee of the FCC or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide may also be disclosed to the Department of the Treasury, Financial Management Service, other federal agencies and/or your employer for your salary, tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

With the exception of your social security number, if you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 17, 1974, 48 U.S.C. § 552, and the National Education Act of 1996, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information, send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

Please submit this form to:

SLD - Form 471
P.O. Box 7026
Lawrence, KS 66044-7026

For express delivery services or U.S. Postal Service Return Receipt Requested, mail this form to:

SLD - Form 471
C/O Ms. Smith
3833 Greenway Drive
Lawrence, KS 66046
(888) 203-8100

[Return to SLD Home Page](#)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for international services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the fee delivered.

I also wish to give the following services (for an extra fee): **23, 01**

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Schools and Libraries Universal
Service Program
SLD-Form 470
c/o Ms. Smith
3833 Greenway Drive
Lawrence, KS 66046

4a. Article Number

P397850745

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 397 850 745

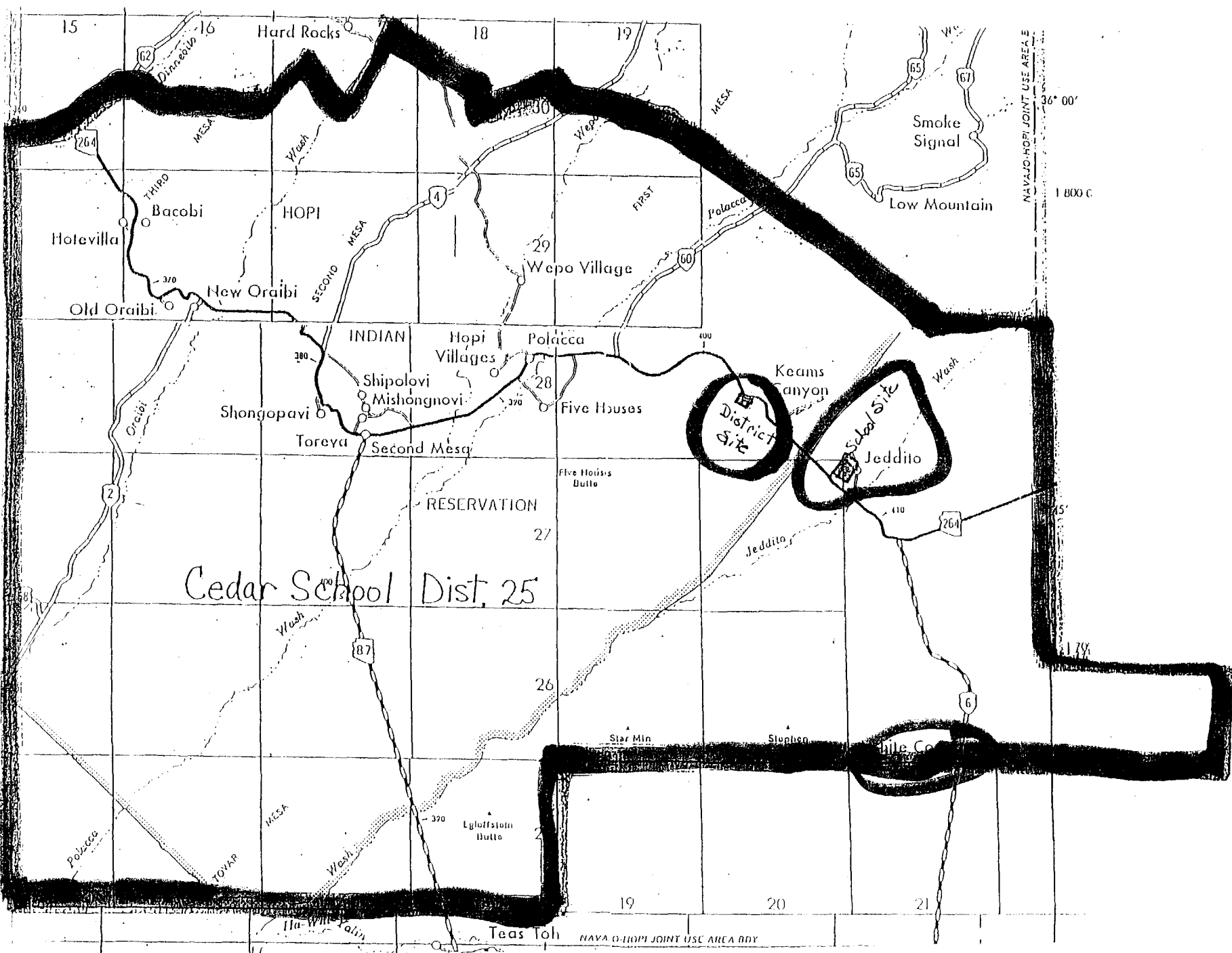
Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)



Sent to	Schools + Libraries USP
Street and No.	3833 Greenway Drive
P.O., State and ZIP Code	Lawrence, KS 66046
Postage	\$.76
Certified Fee	1.90
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom Article Delivered	1.50
Return Receipt Showing Date and Addressee's Address	
Total Postage & Fees	\$ 4.16
Postmark Date	1998 JUN 19 2001

PS Form 10, June 1991



Attachment 1 - School Site
Attachment 2 - District Site